SECTION 22 EMASCULATED. DECISION AGAINST THE DISCRIMI NATING DUTY.

Atterney-General McKenna Gives an Opinion which Will Bring Joy to the Canadian Roads - Eikins Says Now the Canadian Pacific Bonding Privilege Will Be Pought.

WASHINGTON, Sept. 21 .- Attorney-General McKenna gave the country a surprise to day in his opinion about the applicability of the discriminating duty of 10 per cent. provided by the Dingley Tariff law. Nearly everybody supposed that he would sustain the perfunctory contention of the Treasury Department that the duty could be levied on goods from a foreign country imported into the United States through a continuous country. He held, how-ever, that section 22, which contains the discriminating provision, did not make any material change in existing law. In substance his decision is that goods, wares or merchandise brought from a foreign country into this country through Canada or Mexico are not subject to the additional discriminating duty except when brought to Canadian and Mexican ports by vessels not having reciprocal tonnage duties arrangements with the United States, and that goods from countries other than British possessions in Europe are likewise exempt. A treaty with Great Britain provided that discriminating duties should not be levied on articles from Great Britain's European terri-

In the course of his opinion the Attorney-General discussed the question of the intent of Congress in adopting the provision for the application of the discriminating duty. His logic led him to the conclusion that Congress did not mean to repeal the sections of the re rised statutes providing exemptions from discrimination on goods from countries with which we had reciprocal arrangements concerning the assessment of tonnage duties. In this his idea is directly duties. In this his idea is directly d to that of some of the Congressmen who for the tariff bill. Senator Elkins, who need a measure substantially the same as 12, holds that it was the understanding cress that the discrimination was to apply sis imported into Canada and sent to the States over Canadian railroads. He has that section 22 was intended to cure huist that section 22 was intended to cure business of the Canadian Pacific Rail-translating importers that the control of the canadian canadian control of the canadian pacific Rail-translating importers the control of the canadian canad compelling importers to use American

opinion of the Attorney-General stands, mported at Vancouver, for example, over the Japanese or British steamship lines sent in bond over the Canadian Pacific dito a port in the United States and dimitted at the rates of duty provided by iff law. Where articles on the free list add in this country in that manner they to be subject to any additional discrimi-

ig duty,

Treasury Department, which asked for phinon, will be bound to follow it, and as is not likely to be any appeal, the courts have no opportunity of deciding the interface questions involved. Had the Attorneyeral held that the additional discriminating oneral held that the additional discriminating my was applicable in the test cases presented rolls lon-sideration, appeals would have been ken from the action of the Treasury Department in assessing the additional duty, and the steral Judiciary would have had a chance to iss on the whole matter.

The opinion of the Attorney-General was used on questions submitted by Secretary Gage

g the assessment of the additional disming the assessment of the additional dis-siting duty on diamonds and teas brought the Uniter States through Canada. In his to Mr. McKenna requesting the opinion, age says the leas came from Japan, via duver, B. C., and thence through Canada cago. They arrived in Chicago in cars at Vancouver by a United States Con-dition, inder regulations of the Treas ry thent, based on the treaty of Washington is section 3,10% of the Revised Statutes. Attorney-General cites three plausible on section 3, 102 of the Revised Statutes, he Attorner-General cites three plausible tentions against the assessment of the disminating duty. Two of these he disposes of hout argument by the remark that the duty hid not be imposed in the case cited. The id-contention he selects as a basis for the sideration of the whole subject. This contion is that section 22 provided a discriminan against goods the productions of a foreign latty had continued to the Prince States. piry not contiguous to the United States, the shall come into the United States from a inguous country. Takiffr one of the cases mitted by the Treasury Department as an

britted by the Treasury Department as an ample, he says:
It is conceded that the importation is to the little conceded that the importation is to the little States—passage through Canada being are movement only toward destination—the fer being the United States. This being so, it did seem that there was no reason to distinish letween that importation and what may called in distinction a direct one—why one one he burnened and the other not burdened then the discrimination was not necessary to a main purpose of the law. It is said at the purpose was to relieve the American inscontinental railroads against the competition of the Canadian Paclic Railroad. It may admitted that this is a strong consideration; of the Canadian Pacine Railroad. It may dimitted that this is a strong consideration; on the other hand, it is urged that this comition is a benefit, and other American railroads in that the Canadian Pacific is a direct actuage to them. How Congress regarded this dict we have no means of knowing. There is certainly no avowal, and the only expression members which we have indicate a different control of the c rent purpose than one which might or might be have been enter ained, and which, if it had been entertained, would seem the natural thing to have explicitly declared.

there was no reason, therefore, why the tations—indirect or direct—should be dis-nated by different duties I am not disposed at that it was intended. To so hold would but a new purpose in the law destroying ity, which is not compelled by its language, y mischief which we may say was in the apiation of the lawmakers to be remedied. ection therefore regards, as the law ceded it regarded, the transportation is by sea. Its purpose was to secure this els of the United States by distriminating t transportation, not in them primarily. United States secondarily, and to prevent in to a contiguous country—Canada or

nuing, after some explanatory remarks, tilibrium, after some explanatory remarks, titorney-General says: toreign vessels whether the goods were led by treaty or convention to be entered in ports of the United States upon the pay-of the same duties as if imported in fican vessels. me the vessels were not of the United

some the vessels were not of the United but British vessels, and this brings me communication of Aug. 17, in which there were the section 22 repeals sections at 23° of the Revised Statutes, and your nication of Sept. 2 asking whether manore imported from Chili in, the British aries to Philadelphia is also subject scriminating duty. A law imposing distaing duties has been on the statute in some form from the time of the enactificial that is a subject at the section 22 was always and the section 22 was distance to the first tariff bill. In the form (subject to the section 22 was distance to the section 22 was dista the first tariff bill. In the form (suby) it maintained until section 22 was
it was inserted in the act of May 22.
Section 2 of that act was as
Section 2—And be it further
that an addition of 10 per
shall be made to the several rates
shereby imposed upon the several articashid, which, after the said respective
r the commencement of the duties hereact shall be imported in ships or vesact shall be imported in ships or vesact a fault be imported in ships or vesthe commencement of the duties heresed, shall be imported in ships or vesof the United States; provided, that
tion shall not be applied to articles im
a ships or vessels, not of the United
nitied by treaty, or by any act of Conbe admitted on payment of the same
at are paid on like articles imported in
ressels of the United States.

or ressels of the United States. It is section, with unimportant verbal tes, became Section 14 of the act of 1890, ection 2,502 of the Revised Statutes, section 2,502 of the Revised Statutes. Set from it the words by any act of tess. Does this repeal section 4,228 It is observed that there are no words of expense. The effects of the acts of Conare avoided, and this may not be the same section 4,229 and which grant exemption directly to Prusvessis. However, consideration will be liked by reference to contemporaneous ed by reference to contemporaneou

same day the Dingley bill was ap-act entitled 'An act to authorize the to suspend discriminating duties imforeign vessels and commerce was ap-ishall hereafter for convenience call to conton act. It is as follows: section 4.228 of the Revised Statutes ded by adding to the same the following. 'Frovided that the President is author-Provided that the President is authorosuspend in part the operation of sections
and 2.502 so that foreign vessels from
altry imposing partial discriminating tonguittes upon American vessels, or partial
minating import duties upon American
anadise, may enjoy in our ports the identivileges which the same class of American
is and merchandise may enjoy in said
the country.
will be observed that it recognizes the exs of section 4.228, and amends it and en-

It will be observed that it recognizes the exlatence of section 4.228, and amends it and enlarges the President's power. By 4.228 thacould only be exercised when no discriminating
dense were imposed or laid on American vesset. The amendment provides that the power
may be exercised to meet and respond
to partial discriminating duties as wellreciprocating the exact privilege though less
than ottal exemptions. This act is somewhat
codused by its references. It refers to section
Low of the Revised Statutes. That is the same
in words as section 14 of the act of 1890 (the
viscal bills, and this is expressly repassed by section 34 of the Dingley
and white section 2.502 is not mentioned,
all it provisions in exact words are carried into
the data of the recognize the existence of and extens section 4.228, and it also recognizes section 2.502. What is the effect of this I The
act and the Dingley bill were passed on the

same day, and I do not think the order of passage is important if they can be reconciled, (Grane vs. Reeder, 22 Mich., 6,331).

"If either repeals the other it is only by implication. There are no words of express repeal. The rule of implied repeals is well established by a long line of cases. There must be inreconcilable conflict. Let us apply this rule:

"Section 22 and section 4,228 are both commercial regulations, and what the effect of section 22 would be on the other, if subsequent in time and not accompanied by legislative interpretation, is easily perceived to be different when contemporaneous in time and so accompanied."

panied."
The Attorney-General proceeds to cite opin

Danied.

The Attorney-General proceeds to cite opinions of courts concerning the relation to one another of laws on the same subject passed at the same time. The burden of the opinions quoted was that one act did not repeal the other, but should be construed together as part of the same act. Continuing he says:

"Section 22 and section 4.228 and amendments are not co-extensive in scope; in purpose, therefore, they may be the complements of each other. One prescribes a rule, the other the condition upon which and the agency by which it may be suspended. Each, therefore, has its purpose, definite and consistent.

"Section 4.228 might be a proviso to acction 22, and is in effect made so by the Suspension act, and as such proviso it is certainly not repugnant to section 22. The latter had its operation commencing with its passages, continuing until the conditions of section 4.228 occur and the President acts on account of them, resuming again if the reciprocal exemptions of foreign nations be withdrawn.

ation commencing with its passages, continuing until the conditions of section 4.228 occur and the President acts on account of them, resuming again if the reciprocal exemptions of foreign nations be withdrawn.

"Examples of this are familiar in our legislation. The provision in the Dingley bill for reciprocity of trade is such an example. Under that the duties of the act may be changed. An example not so direct but of the same principle is found in the case of Russell vs. Williams, 106 U. S. It would seem from the import of language that a statute imposing duties on articles was exclusive of prior ones, regular or discriminating, whether they were imported from or were the product of one country or another. It was held, nevertheless, in Russell vs. Williams, that a discriminating duty on the products of countries east of the Cape of Good Hope, when imported from places west of it, was not repeated by subsequent acts though not repeated in them or mentioned by them. In this case it is true there was the distinction between a commercial regulation and provisions for revenue duties, but the principle of the case is that where there is difference in purpose legislative provisions may be independent. But the rule of repeat by implication does not recuire us to find independence. If there is not irreconcilable conflict. Even it there was conflict in their language this would have to yield to the interpretation of the time and manner of their passage. The suspension at was reported to the House of Representatives by the same committee which reported the Dingley bill, and was considered and passed while that act was in memory. It passed the Senate while the Dingley bill was pending in consideration, and was approved by the President on the same day the Dingley bill was pending in consideration, and was approved by the President on the same day the Dingley bill was pending in consideration, and was considered and passed while the Dingley bill and the President's approved by the President on the same day the Dingley bil

communicated to the Congress subsequently to that of the other.

"Even a more extreme position might be taken. It was held in Mend vs. Bagnail and others (15 Wis., 15d.) that 'where the provisions of a statute which relates to a particular class of cales are repugnant to those of another statute approved the same day, which is of a more general character, the former must prevail as to the particular class of cases therein referred too. See also Endiah on the interpretation of statutes, section 216 and cases cited.

"It follows, therefore, that section 4.228 was

chandise of both inquiries is not to be subjected to a discriminating duty."

Senator Eikins said to-night that he was willing to shoulder his share of responsibility in getting the discriminating duty provision inserted in the Tariff bill. He added that one effect of the Attorney-General's opinion would be a determined effort at the next session of Congress to repeal the bonding privileges of the Canadian Pacific Railroad.

Col. J. F. Evans of San Francisco, an expert in customs matters, said to-night that the decision of the Attorney-General was no binding on the Treasury Department, at merely expressed the opinion of one branch of the Government acting in an advisory capacity

pressed the opinion of one branch of the Government acting in an advisory capacity to another. He said the applicability of the discriminating duty would probably get into the courts through the action of some collector of customs in assessing it on foreign goods brought into the United States through Canada. This would compel the importer to appeal.

Other Appointments Announced from the

Washington, Sept. 21.-The President to-day made the following appointments: William K. Herzog of Illinois, to be Consul at Zittau, Germany,

Francis H. Wilson, to be Postmaster of Brook-yn, N. Y. lyn, N. Y. Benjamin F. Parlett, to be Collector of Inter-nal flevenue for the district of Maryland. Albert M. Lee and Frederick W. Collins, to be Attorney and Marshal of the United States for the Southern district of Mississippi, respect-

Francis H. Wilson was born in Oneida county, and is in his fifty-third year. He was graduated from Yale College in 1867, and for the following four years was a school teacher in Rochester, N. Y. He came to New York in 1872, and was graduated from the Columbia Law School. For some time he was attached to the law office of the Hon. Enoch L. Fancher. In 1884 the moved to Brooklyn and became active in Re-publican politics. He is serving his second term in Congress as the representative of the

third district, one of the banner Republican districts in the country. He will now resign his seat in Congress to accept the Postmaster-He was one of the founders of the Union League Club and served as its President for sev-eral years. Mr. Wilson has all along been op-posed to the political tactice of Jacob Worth and Sheriff Buttling and has sided with the oodruff-Willis-Atterbury side in the present Mr. Wilson, who was entirely acceptable to Mr. Wilson owes his appointment largely to Walter B. Atterbury, the Twenty-thir! ward leader. Several months ago President McKinley offered Mr. Atterbury the Postmastership, but he declined it and suggested the choice of Mr. Wilson, who was entirely acceptable to Senator Platt.

M'KINLEY OFF FOR A HOLIDAY. He Started with His Party for North Adams Last Night.

WASHINGTON, Sept. 21.-President McKinley left Washington on the Pennsylvania Railroad at 9 o'clock to-night for North Adams, Mass, where he will be the guest for a week or ten days of W. B. Plunkett. He was accompanied by Mrs. McKinley, Attorney-General and Mrs. McKenna, Miss Kenna, Secretary and Mrs. Alger, Miss Mabel McKinley, his niece; George B. Cortelyou, acting secretary to the President, and J. Walter Blandford, private secretary to and J. Watter Dandord, private secretary to the Attorney-General, H. H. Kohlsaat of Chi-cago, who dined at the White House to-night, accompanied the President to the station, where Secretary Wilson was also on hand to see the party of

Secretary Wilson was also on hand to see the party off.

Just as the train started the President came to the broad rear piatform of the end car and bowed right and left to the crowd inside and outside of the station railine. His appearance was greeted with handclapping.

The train consisted of four coaches. The private car of President Thomson of the Ponnsylvania road was occupied by Mr. and Mrs. McKinley. There will be no prolonged stop on the way, and the train is scheduled o reach North Adams at 9 o'clock to-morrow morning.

AMERICAN FEDERATION BOYCOTT. It Reaches the Armours and the Worthington

Pump Company. WASHINGTON, Sept. 21.-The Executive Council of the American Federation of Labor to night, upon the application of the interested unions of Kansas City, placed upon the "we don't patronize" list the Armour Packing Company of Kansas City. It was agreed also to regard the Armour Packing Company of Chicago in the same light as the Kansas City company, and to use the influence of the Federation with
the international, national, State, central, and
local affiliated unions "to demenstrate to the
Armour people the advisability of recognizing
the union and their right to organize."
The Worthington Pump Company of Brooklyn
and Elizabeth, whose casting dressers have been
on strike sgainst a reduction of wages, was also
placed on the unfair list.
President Ratchford of the United Mine
Workers of America is here endeavoring to arrange with the Executive Council for the holdsing of a convention of the miners of West Virginia with the object of settling the difficulties
in that State upon the basis adopted by the Columbus convention. and to use the influence of the Federation with

WASHINGTON, Sept. 21.-The Post Office Department has decided to change the designa-tions of the stations of the New York and Brooklyn Post Offices, doing away with the present system of lettering and restoring the old names. The system of lettering has been old names. The system of lettering has been in vogue in all cities, but recently the department concluded to return to names, and a few days ago an order was issued abolishing the lettered stations in Boston and restoring the names of Cambridge, Dorchester, and others. An additional reason for making this change in Greater New York is found in the fact that Brooklyn has a large number of lattered stations as well as New York.

BRIDGE JUMPER NO. 24. HE IS WILLIAM H. GANTE, AND HE

ESCAPED UNHURT. Purchasers often propped from the North Rondway Vesterday Afternoon to Prove Mis Courage and Win a Wager of \$11-Many Persons Saw Him Leap, and the Shock Did Not Even Stun Him tell us that they did not expect to find such good desks at

If jumping from the Brooklyn Bridge had not become too common of late to give a successful jumper a commercial value as a freak, then William H. Gantz, who performed the cat yesterday afternoon, would have before him a future on the Bowery and elsewhere where dime museums throw open their doors. Unlike many of his predecessors, Gantz's feat was witnessed by scores of persons, and it was probably the neatest drop ever made for such a distance.

At 1:25 o'clock, according to the report of Bridge Policeman Edward Harkins, J. E. Jackson, a newspaper artist, who was walking to ward Brooklyn on the footway, saw Gantz jump off the tail of a truck which was coming this way on the north roadway. He ran toward the netting of wire which forms the protection for passengers outside the roadway, throwing off his coat, waistcoat and hat as he went. At that part of the bridge, which is about 200 feet or so east of the New York tower, a lot of painters and mechanics were at work. No one who saw Gantz's actions could doubt for a moment his object, even had they not heard him cry to a comrade on the footpath: "I'm going, Jack!" Even before he began to climb over the outer trusswork the painters raised a warning cry. Some of the painters and Police man Harkins rushed forward to stop Gantz, but he was as agile as a squirrel, and long before any one could get near enough to hinder him he had climbed over the truss and down its outside until all was clear below him. There he hung, balancing for a moment by his hands, and then dropped. As he let go he crossed his feet and held his arms half raised, with his

He dropped without a change in his compara tive position and struck the water feet first. He was under only a few seconds. When he came up he shook his head to clear it of water and struck out down river with a strong breast stroke. Not far above him and headed down was the United States revenue cutter Manhattan, bound for her berth at the Barge Office. Capt. George E. McConnell and his deck hands had seen Gantz's fump, and the cutter was headed for him at once. The deck hands shouted to him, and turning, Gantz struck out for the Manhattan. Her crew threw a life buoy to him, which he caught, and they hauled him on

Capt. McConnell. "Yes," Gantz replied; "wasn't it as neat a bit of work as ever you saw?" Gantz declared that he was not hurt, and he

"Did you jump from the bridgel" asked

walked about the deck until the Manhattan arrived at the Barge Office landing. In the meantime the bridge police had been notified of Gantz's jump, and a policeman had been sent to meet and arrest him when he landed. of Gantz's jump, and a policeman had occu-sent to meet and arrest him when he landed. The bridge conceman was at hand almost as soon as the Manhattan arrived at her berth. Although Gantz seemed unburt, an ambulance was summened from the Hudson Street Hos-pital. The surgeon examined Gantz and found no marks upon him except some bruless on his left thigh. It was decided, however, as a matter of precaution to send him to the hos-pital. He was taken there a prisoner and put to bed. He will be taken to a police court to-day.

Gantz's drop, as nearly as can be learned, was done out of pure bravado, and because the man had nothing else to do for the time being. He is a pressman who has been employed recently at McCabe's printing office on the eleventh floor at 216 William street. He is 25 years old and married. A m.n who has known him since he was 16 years old and who employed him then as an office boy says he is (the most powerful man physically that he has ever known. He is short about 5 feet 6 inchestant broad shouldered and weighs nearly 200 pounds. Before he wen' to work as an office pounds. but broad shouldered and weighs nearly 200 pounds. Before he wen' to work as an office boy, he travelled with the Martelli family, professional tumblers. He married about six years ago and lives with his wife and three children at 1014 Fulton street. Brooklyn, Gantz had not been home since Sunday, and his wife thought he was at work all the time. When the left her he said: "If I don't come home tonight you will know it is all right. I will be at work."

work.

Mrs. Gantz said resterday that she thought hard that her husband hadn't reat work.

Mrs. Gantz said jesterday that she thought it rather queer that her husband hadn't returned on Monday night, but she supposed he was still at work. She spent the greater part of each day visiting, and returned in time to get supper for her husband. She was away again yesterday, and a SUN reporter met her with the news of her husband's jump from the bridge. She declared that he had never told her of his intention to make the leap, but she did not seem surprised that he had done it. "If he said he do it, he would," she explained. John W. Bergen, a fellow pressuan and chum of his, says that Gantz and he spent Monday and Monday night together. Gantz, Bergen says, was boasting of his feats of strength and skill. Among other things, he said he had jumped from the fifty-foot tower at Bath Beach into the water. "Oh, tut, tut," said Bergen. "If you are such a jumper, why don't you go and jump off the Brooklyn Bridgef" "I will," said Gantz. Finally Bergen laid a waser that Gantz would not make the leap.

"Gantz owed me \$7." Bergen said, "and I put \$4 to that and made the bet \$11."

The two got up early yesterday morning and reported for work, but Foreman Riley told

"Gantz owed me \$7." Bergen said, "and I put \$4 to that and made the bet \$11."

The two got up early yesterday morning and reported for work, but Foreman Riley told them there was nothing for them to do for the day, "Well," said Gantz, "this is as good a day as any to jump from the bridge. He hung about the printing building all the forencen, and told all the men there that he was going to make the leap, but few beheved him. He had three or four drinks, and then started for the bridge. Bergen followed him.

About 11:30 o'clock A. M. they got to the bridge entrance, and Gantz jumped on the tail of a truck going across. Bergen followed on the footpath. There were vessels in the way under the bridge all the way across on that trip, and Gantz caught a ride back on another truck. This time there were also vessels in the way. Gantz made a second round trip, Bergen says, with no better result, and! then began a third one. He got no chance to jump going over, and Bergen thought he had about given up the idea when on the third return trip to this city Gantz anddenly threw up his hand as a signal and shouted: "I'm going. Jack."

Jack.

In a pocket in the clothing which Gantz left on the bridge was a memorandum book, in which was written: "My name is William H. Gantz. If I do not come out all right, please notify my wife, 1914 Fulton street, Brooklyn, and oblige William H. Gantz."

Gantz is a candidate for the Brooklyn Fire Department. He passed the physical examination recently, and is on the lists for the mental examination. He is the twenty-fourth man to leap from the bridge.

Commissioner Hopper Died of Hydrophobia. WASHINGTON, Sept. 21 .- Andrew Patton Hop per, a citizen of the United States and Commis sioner of Customs at New Chwang, China, died there on July 27 of hydrophobia, caused by the bite of a dog on Dec. 17 last. In reporting his death to the State Department, Vice-Consul Handinel says Mr. Pation's last place of resi-dence in the United States was Bellevue, Alle-gheny county, Pa.



The Prince of Wales ORDERS JOHANN HOFF'S MALT EXTRACT.

ABFRGELDIE CASTLE, ABERDEENSHIRE. Please supply three dozen Hoff's fisht Extract, on account of H. R. H., Prince of Wales. J. CROSS. By goods train to Abergeldie, Ballater, Aberdeenshire.

BEWARE OF IMITATIONS. The genuine Johann Hoff's Mait Extract makes Flesh and Blood. More strength in one dozen bottles of Johann Hoff's Mait Extract than in a cask of Ale. Beer or Porter, without their intoxicating effects. W. & J. SLOANE

tised. We repeat: "There has been a revolution in the desk business."

the prices we adver-

HALE CO. Desks at export prices, 15 Stone Street, next Produce Exchange.

REBELLIOUS HOGANSVILLE.

The Old Postmaster Trying to Collect the Mai

and Despatch It. WASHINGTON, Sept. 21 .- The Post Office Department has received no detailed information regarding the state of affairs at the Hogans ville, Ga., office, but a report from the inspector is expected to-morrow. Immediately after the department was notified of the shooting of the negro Postmaster instructions were sent t the inspector at Chattanooga to investigate the matter, and, pending the arrival of the report, othing can be done by the department. The facts that the people of Hogansville are at empting to take their mail to other places to deposit it, and that the old Postmaster, Hardaway, has been attempting to collect it and mail it at the train, are nothing unusual in such cases. It is a clear violation of the postal laws and the department has no choice but to put

and the department has no choice but to put a stop to it.

No discrimination against the citizens of Hogansville is intended, nor will there be any prosecution of Hardaway unless he should persist in running a Post Office of his own. It frequently happens in these cases that where a Postmaster is appointed the patrons of the office attempt to keen him from setting any more business than at solutely necessary, but in all these cases the department has enforced the law governing them. As far as the department's presecuting the person or persons who shot Loftin is concerned, it rests entirely on the proof of the allegation that he was assaulted because he was Postmaster. It would be very hard to bring forward evidence to this effect, especially in this case, and it is hardly possible that the department will do anything decisive in the case.

LIEUT. HILL STARS HIMSELF. Bitten by a Rabid Dog, He Becomes Morbid-

WASHINGTON, Sept. 21.-First Lieut, Roland G. Hill, Twentieth Infantry, United States Army, attempted suicide at about 3 o'clock this morning by stabbing himself or cutting his throat and then lesping from a train between Williams port and Sunbury, Pa. Lieut, Hill was stationed in Washington on duty relating to the military information division of the War Department About two months ago he was bitten by a rabid dog, and it is supposed that the fear of hydrophobia preyed on his mind and caused him to attempt his life. Early last month he obtained leave of absence, and was returning to Wash ington from Buffalo when he made the attempt on his life. This afternoon a telegram was received at the War Department saying that Lieut, Hill, still alive, was in a hospital at Wii-

Lieut, Hill, still alive, was in a hospital at Williamsport.

The first news of the occurrence came to the War Department to-day in a report from the Pullman sleeping car offi jush here. According to the report Lieut, Hill had acted suspiciously on the train and the porter of his car watched him closely. At about 3 o'clock the porter went to the toilet room and found pool of blood and a knife on the floor. Lieut, Hill's herth was empty. No report was made until after the train reached Washington. Adit, Gen. Breck immediately sent Lieut, Whitney to recover the body, and he started for Har isburg on the first train available.

train available.

Lieut. Hill was appointed to the army from Iowa. His wife is in Columbus, O.

ENGLAND BUYING HORSES. She Gets 1.400 in Argentina for Her African Campaigning.

WASHINGTON, Sept. 21.-A report to the State Department from the United States Minister at Buenos Ayres says that agents of the British War Office have purchased 1,400 horses in Argentina for use by the British Army in Africa, It is believed that these horses are better able to stand the trying African climate than any others.

ARMY ORDERS.

Leaves of Absence and Assignments of Officers to Regiments.

Washington, Sept. 21.—These army orders have been issued: Leave for one month is granted First Lieut, Henry G. Lyons, Twenty fourth Infantry. Leave for fifteen days is granted Second Lieut, Thomas W. Darrah, Ninth Infantry. Ninth Infantry.
The following transfers are made in the Sixth Cavalry, Capt. Henry M. Kendall, from Troop A to Tricop M: Capt. Henry M. Kendall, from Troop A to Tricop M: Capt. Henry M. Kendall, from Troop A to Tricop M: The following transfers are made in the Eighteenth Infantry: Capt. Charles McClure, from Company H: Company 1; Capt. Charles L. Steele, from Company H: Capt. Steele will proceed to join his company.

The following assignments of officers to regiments are announced:

The following assignments of officers to regiments are announced:
Capt. Charies G. Morton, to the Sixth Infantry.
Company E. Capt. Begardus Eldridge, to the Fourteenth Infantry. Company H. First Lieut. Jules Ord, to the Sixth Infantry. Company H. First Lieut. Albert J. Niskern, to the Second Infantry. Company E. First Lieut. Tuman O. Murphy. to the Fenth Infantry, Company E. Additional Second Lieut. Harold B. Fiske. Fourteenth Infantry, to a vacancy of Second Lieutenant Eighteenth Infantry, to any company G. Additional Second Lieut. Athur S. Company G. Additional Second Lieut. Additional Second Lieut. Additional Second Lieut. John H. Hughes, Seventeenth Infantry, to a vacancy of Second Lieutenant Fourth Infantry. Company F. Additional Second Lieut. John H. Hughes, Seventeenth Infantry, Company F. Additional Second Lieut. George W. Helms. Twenty-second Infantry, to a vacancy of Second Lieutenant Nineteenth Infantry, Company A. Lieuts. Piske, Conkils, Hughes, and Helms will join their companies

The Wilmington Accepted.

Washington, Sept. 21.—The gunboat Wil-mington was finally accepted from her builders by the Navy Departm at to-day. The gunboat Annapolis received her preliminary acceptance.

Children Killed by Falls from Heights. Samuel Horowitz, 6 years old, of 304 Cherr street, fell from the fourth-story fire escape of his home, yesterday, and fractured his skull. He was taken to Gouverneur Hospital, where he died a short time after admission. His mother was absent looking for work when the acciden was a sect tooking for work when the accident took place.

Israel Ochs, the 2-year-old son of Benjamin Ochs, of 232 Chrystic street, fell from a window of his home in the third story, yesterday, sus-taining a fractured skull. He was removed to Bellevue Hospital, where he died.

The Thoroughbred stands for all that is BEST. THE Old Crow Rye is a Thoroughbred in the fullest sense of

the word. The qual-VOLD CROW ity of grain used, the water, the care taken, its honorable years, all insure its claim. Buy only of first-class LB.Kirk &Co houses, and avoid re-

tations. H. B. KIRK & CO., 60 PULTON ST., Also Breadway and 97th St.,

Agents for the Pleasant Valley Wine Co.

filled bottles and imi-

Will inaugurate the Fall Season with a magnificent display of

BEST

Body Brussels

Velvet Carpets In latest patterns and

colorings at

Most Attractive Prices. SALE TO CONTINUE ONE WEEK.

TORPEDO BOAT DRILL. rogramme of the Work of the Flotilla for the

Broadway, 18th and 19th Sts.

WASHINGTON, Sept. 21.-Lieut.-Commander

Kimball, the commanding officer of the torpedo boat flotilla, has een directed to start with his squadron from Tompkinsville, S. L., on Oct. 1, to carry out the programme arranged by the Navy Department. If any one of the vessels is not ready to start then, it is to be left behind to catch up with the main body if it can. An interesting it incrary and series of tactical evoluions have been mapped out for the flotilla.

The boats will pursue a southerly course along he Atlantic coast, stopping for a week or two at any places Commander Kimball may select. All the indentations of the coast are to be explored to a certain what sort of torpedo boat actics are available in those places. There will be inshore and offshore explorations, and particular attention will be given to finding out about harbors that can can accommodate the torpedo boats, but not big warships. The nanceuvres at the beginning will be of the simplest kind. If possible tests will be made of search curves and of the weather ability of each boat. Torpedo boats are in the experimental stage in this country, and the officers of the flotilia will note the defects in each in order that they may be remedled in the construction

that they may be remedied in the continuous of new vessels.

The Navy Department noticed with interest the other day that when Great Britain sent off her three torpedo boat destroyers to foreign stations all of them had to return. The first attempt to get off developed some defect in each. "We want to find out be ore sending our torpedo boats to strange waters what their weak points are," said a naval official to-day in explanation of the main purpose of the flotilla exercises. The Captains of the torpedo boats will devote

The Captains of the torpedo boats will devote much time to a study of handling the little craft and in handling torpedoes under service conditions. They are not only to practice shooting in still water from a stationary boat, but in any water and weather in which torpedoes could be used. Some of the other interesting things to be accomplished will be attacking at night, meeting at stated places at night, and squadron exercises in tactical maneuvres.

The flottilla will work slowly down the coast and then along the Gulf shore as far west as Galveston. It will go up the Mississippi in the spring as far as it can go safely, probably to St. Louis. The flow boats composing the flottilla are not so good as some the Navy Department expects to build, but they are of a formidable type, and at the end of the course of instruction the departm in will have a flottilla as efficient as any similar lot of vessels in the world.

my similar lot of vessels in the world. ask for the Removal of Trustees of the Loco-

Mary J. Westerfield and Flora E. Rozers, daughters of the late Jason Rogers, the inventor, and organizer of the Rogers Locomotive an action in the Supreme Court, in which they charge two of the trustees of their father's estate with misapplying \$213,480 of the estate, and ask that restitution be made and that the executors be removed and a receiver be ap-Rogers, who lived in Morrisania, his place be-

ing called "Eltona," died on Aug. 25, 1868. A widow, Mary Ann Rogers; a son, Thomas Rogers, and the two daughters survived him. The daughter, Mary, is the wife of William Wester-1863, named the testator's brothers, Jacob S. Rogers, Columbus B. Rogers, and Thomas Rogers, and his son, Thomas Rogers, as executors use of his residence, and \$4,000 a year. Two trusts were created for his daughters, and the rest of his estate was left to his three children in equal shares, most of also in trust, with remainder over to their children. The brother, Columbus B.

also in trust, with remainder over to their children. The brother, Columbus B. Rogers, and the son, Thomas Rogers, were the only executors who qualified. They settled their accounts as executors and were discharged in 1973, but until 1886 they continued to act as trustees of the trust estates. Columbus B. Rogers revisined in 1886 and William Cauldwell was appointed in his place. The son, Thomas Rogers and William Cauldwell rendered an accounting of these trusts in 1893, showing that they had on hand \$128.953 of the trust fund of Mrs. Westerfield and \$145.836 of the fund of Flora E. Rogers.

The daughters say that the trustees have not had on hand all they claimed to have on the accountings and that there is a deficit of \$213.480 in all the funds in their care. Aside from the remaining funds in their possession, the daughters say that the trustees have cleven tracts of land from 133d to 136th streets, and also land in other sections of Morrisania. Under the power given by the will, these trustees latterly appointed William Shillaber, Jr., a trustee, but the daughters say that Mr. Shillaber is powerless to protect their interests and that he has expressed his willingness to resign.

They ask that Messra, Cauldwell and Rogers be removed and that Mr. Shillaber be permitted to resign, and that the estate be taken in charge by the Court. They say that none of the trustees is under bond. by the Court. They say that none of the trustee

There was a storm central yesterday over Florida lowing considerable force and attended by high winds and heavy rains. South of Jacksonville the wires were down. The storm will most likely move to the east northeast on account of an area of high pressure which covers the country from the central

States to the middle Atlantic coast.

The temperature fell yesterday in all districts in the Atlantic and Gulf States. Frost was reported in Illinois, Iowa, Kentu ky, Pennsylvania, Ohio, the District of Columbia, and New York.

In this city the day was fair and cool; light frost occurred in the morning, the earliest on record; low-est official temperature 45°, the coldest Sept. \$1 since 1875, when it was also 45°; on Sept. 21, 1871, it touched 40°; the highest for the day was 50°; aver age humidity 61 per cent.; wind northwest, average velocity 15 miles an hour; barometer, corrected read to sea level, at 8 A. M. 30.19, S P. M. 30.20. The thermometer at the United States Weather Bu reau registered the temperature yesterday as follows:

9 A. M 48° 55° 8 P. M 12 M. 32° 63° 12 Mid 12 P. M 58° 64° 12 Mid 12 P. M 13 P. M 14 P. M 15 P WASHINGTON FORECAST FOR WEDNESDAY. For New England and eastern New York, fair,

warmer; southwesterly winds. For eastern Penusylvania, generally fair; warmer variable winds, becoming southerly. For New Jersey, fair, probably followed by showers Wednesday afternoon on the coast; warmer; variable

on the coast; warmer; variable winds. For the District of Columbia, threatening weather;

POLICE SHAKEN UP AGAIN.

INSPECTORS, CAPTAINS, SERGEANTS AND PATROLMEN SHIFTED.

Pilrien Sent to the New Station in the Northernmost Part of Harlem-Byrnes's Men Get Back to the Detective Bureau and Con-lin's Appointers Are Threwn Out Again. Another lot of police transfers by Chief Mo-Cullagh was announced yesterday. ture of the list in the estimation of Mulberry street is that men who held conspicuous places under Byrnes and were reduced by Conlin now

the department. These men were transferred: Acting Inspector Adam A. Cross, from the Third to the First Inspection district; Acting Inspector Walter L. Thompson, from the First to the Third Inspection district.

return to more active and responsible posts in

Capt. Stephen O'Brien, ex-Chief of the Detective Bureau, from the Leonard street sta-tion to the Alexander avenue station; Capt. William Thompson, from the Mulberry street station to the Leonard street station: Acting Capt, Dennis Brennan, from the Alexander avenue station to the Mulberry street station; Sergeant Thomas H. Mangin, from the Detective Bureau to the staff of Acting Inspector Thompson; Detective Sergeant John H. McCauley, from the Detective Bureau to patrol duty as a roundsman at the East Sixtyseventh street station; Sergeant Charles A. Formosa, from the West Forty-seventh street Formosa, from the West Forty-seventh street station to the Detective Bureau; Sergeant Frank Morris, from the West Sixty-eighth street station to the Detective Bureau.

The following patrolmen, who were doing detective duty under O'Brien, are ordered back to patrol service;

George J. Andrews, Patrick Haughey, John F. Horan, Robert Johnson, William Judge, Michael H. McCarthy, William McAvoy, John McLaughlin, George Reichhold, Louis Schindler, John J. Tierney, Andrew Weiser, William Young, James McVea, George E. Nethercott, and Frank Cassassa.

McDaejhin, George Reichhold, Louis Schindler, John J. Tierney, Andrew Weiser, William Young, James McVea, George E. Nethercott, and Frank Cassassa.

The policemen who are ordered to duty in the Detective Bureau are Michael Kerr, Michael Rein, Frank O'ltorka, George A. Alonele, Arthur A. Carey, Francis J. Hughes, James Allen, James McCafferty, Edward Gallagher, and William A. Woods.

It is hardly likely that much will be heard of O'lten any more. The precinct that he goes to includes the northernmest end of Harlem. He will now have little else to do but meditate and give play to the flowery fancy that alone made him notable as head of the Detective Bureau, Chief McCullagh, after saying that all the changes were for the good of the service, saw fit to make an explanation in O'Brien's case.

"O'Brien's case.

"O'Brien's case.

"O'Brien's case.

"O'Brien's rease. That's a mighty clean precinct up there, and the work is very nice. He has all the comforts of home at the station, hot water, a private bathroom, and so on. Trolley cars go by the door, there's a theatre in the precinct, and it's near his home.

McCauley was O'Brien's right-hand man, although he departs from the Detective Bureau, it was regarded as certain at Headquarters that he would be put on the eligible list for speedy promotion to the rank of Sergeant. In fact, the Chief as much as said so.

The men who achieved praise in the Detective Bureau under Byrnes's direction, and who now return from precinet duty, are Formosa, Alonele, Carey, and McCafferty.

The outgoing detectives will report for duty at the precincts to which they are assigned at 6 o'clock to-night. Their successors will report at 8 o'clock this morning. The Inspectors reported to their new posts at 6 o'clock last night. The Capitains make the changes at 8 o'clock this morning.

BOYCOTTED BY A UNION

Causes Which Led to a Pistol Heing Drawn on a Brooklyn Xavy 1 ard Foreman.

Charles Scott of Newark, when arraigned in the Essex Market Court yesterday on a charge of felonious assault preferred by John J. O'Brien, a foreman in the Brooklyn Navy Yard, declared that he had been the victim of a systematic boycott on the part of the Tin and Sheet Iron Workers' Union, and that for the past two years he had practically been deprived of a means of livelihood because of a disagreement he had had with the organization. Scott was arrested shortbefore 1 o'clock yesterday morning, after the adjournment of a meeting of the union, which was held in a hall at 85 East Fourth street. He engaged in an altereation with O'Brien, who is one of the officers of the union, and is alleged to have drawn a revolver and pointed it at O'brien. The latter, with the as-

pointed it at O'brien. The latter, with the assistance of two other men, disarrined him and called a policeman. When arraigned before Magistrate Pool, Scott said:

"Judge, about two years ago I was a member of this union and worked in the Brooklyn Navy Yard. At that time my wife was dying, and I found it necessary to borrow \$15 from the union. After she died the walking delegate constantly importuned me for the money, but I was not able to pay him. Shortly after this a systematic hazing was tried on me by the men. They commenced to anany me in every way.

"About a year ago last July, at the instance of the union, I was discharged from the service on a charge of loading for five minutes. I appealed my case to Secretary of the Navy Herbert, but before the appeal was heard additional charges that I was of unsound mind were made and I did not get back. I then went to Florida,

bert, but before the appeal was heard additional charges that I was of unsound mind were made and I did not get back. I then went to Florida, where I carned only a precarbous living. I came back to New York last May and then learned, although I had supposed that I had been expelled from the union, that I was still continued as a member ami that a fine of \$100 had been imposed on me. I was unable to pay the money, and, in consequence, could get no work at any place where union men were employed. In some places where I did get a job I was spiled by some member of the union and immediately discharged.

"Some friends of mine told me that they would irv to get the union to remit the fine. The matter was to come up last might. Before I went there one of my friends gave me a revolver and told me I was going among enemies. I met O'Brien and his friends coming out of the hall, and I became angry. I don't remember drawing the revolver, but I had my hand on it in my pocket when they grabbed me."

"I sympathize with you, said Magistrate Pool, "but cannot let you go, as O'Brien insists on pressing the charge, but I will make your ball only \$200."

OSCAR HAMMERSTEIN'S ARREST.

Violation of the Theatrical Law. Oscar Hammerstein was not at all perturbed when arrested yesterday for alleged violation of the theatrical law in his Olympia Music Hall. Police Inspector Brooks obtained the warrant for his arrest from Magistrate Mott in the Yorkville Court on testimony of Special Detectives Douglass and Cohen of his staff, who had taken notes during the performance of the "Cat and the Cherub" at the Olympia Monday night.

The affidavit charged two offences. One was the alleged violation of the law which prohibits the giving of a dramatic performance under a music hall license. The other charge was for selling liquor within a building where a dramatic performance was going on.

Mr. Hammerstein accompanied the Inspector to court after sending for his counsel, Fred B. House. He said he had no fear of the outcome of the case, and felt certain that he would not be convicted on trial. He said there were others in the city that were as much guilty of breaking the theatrical law as he was.

Lawver House asked the Magistrate to postpone the examination until next Tuesday. The Magistrate consented, and, when something was said about bail. Magistrate Mott replied that there was no necessity of furnishing tail.

"I guess he will not run away, and if he should I don't know but what it would be a good thing and save a lot of fuss," he added with a smile.

Hammerstein, on quitting court, said he would Douglass and Cohen of his staff, who had taken

thing and save a lot of fuss," he added with a smile.

Hammerstein, on quitting court, said he would continue giving the performance of the "Cat and the Cherub" at the Ujympia, and would a so continue to sell liquor.

Inspector Brocks said it was apparently a clear violation of the law that Mr. Hammerstein should produce in his music hall a performance like the "Cat and the Cherub." It is clearly a dramatic performance as contemplated by the law, he said, and not such as could be produced under a license granted for a music hall. The charge in reference to selling liquors is a part of the other charge. Mr. Hammerstein has a license to sell in his music hall, but not to sell during a dramatic performance.

A summons charging Weber & Fields with the same offence was served on Manager Seller yesterday afternoon. It was obtained by Detective Weish, one of Capt. Shechan's wardmen, at Jefferson Market Police Court. It is said that a similar summons will be served on Koster & Blai's manager to-day.

McRar, Ga., Sept. 21.—Two freight trains on the Georgia and Alabama Raifroad collided about half a mile from Helena carly this morn-ing. An engineer and a freeman were killed.

FLINT'S FINE FURNITURE. TOILET TABLES, Birch and Mahogany Finish. \$9.00.

WOODBURY'S PARTAL CREAT



Fall winds suggest fall overcoats.

There's a satisfaction in having one early in the season.

Being a necessity, a fall overcoat should always be in fashion, not only in cut but in fabric.

Prices from \$9 to \$28; but the price does not begin to tell the story of attractiveness.

HACKETT, CARHART & CO., Broadway and 18th Street. Broadway and C nal Street,

Broadway, near Chambers Street. A. T. S. ELEVATOR INQUEST.

Did the Victims Disobey Orders in Meddling

Coroner Hoeber and a jury began an inquest yesterday in the case of Nicholas Nielson and Isaac Bachrach, who were killed on Sept. 10 by the falling of one or the passenger elevators in

the American Tract Society building, at Nassau and Spruce streets. The jury was composed of electrical and building experts. A number of witnesses were called. who described in detail the circumstances of the accident. Henry Landau, the janitor of the nawled" on the night of Sept. 10 and would not move.

"I went into the main hall," he continued, "and found Nielson, the engineer, attempting to make the car move. He told me he could not do so, and I told him to go to the twenty-second story and examine the governor. I then went outside the building, and a moment later I heard a terrific crash. I ran back and found that the elevator had crashed down into the bottom of the shaft from the nineteenth story, and that the engineer and Bachrach, the elevator boy, had been killed."

Frank Caser, the night watchman o' the building, said that he had advised Nielson not to meddle with the "pawled" elevator, but leave it alone until next morning.

John H. M. Lean, a reporter, described how he had been on the car about fifteen minutes before the actident.

"I went on the car," said Mr. McLean, "intending to go to the tenth floor. We had not gone twenty feet, however, before the elevator came to a sudden standstill and almost threw me on my knees. The car was pawled and all the efforts of the elevator boy falled to move it."

Mr. McLean added that, after a delay of fitteen minutes, he managed to crawl into car 5, which was run up alongside car 6, and escape.

The next witness, Henry Sullivan, engineer for the Crane Elevator Company, testified that he supervised the work of putting in the elevators in the Tract building and was in charge of them yet.

"I gave Nielson instructions," he continued, heard a terrifle crash. I ran back and found

he supervised the work of putting in the elevators in the Tract building and was in charge of
them yet.

"I gave Nielson instructions," he continued,
"never to touch the elevators. I also told the
night watchman that, whenever any of the cars
was out of order, he should run another in its
place and not tamper with the machinery."

"Then, if Nielson had not acted contrary to
your orders, no accident would have occurred?"
asked the Corouer.

"If Nielson had waited until the morning one
of the men from the O is Company, which put
in the safety clutches, would have fixed the matter all right, "replied the witness.

Adam Schaller, a day elevator man in the
building, testified that when he turned over car
it to Isaac Bachrach on the night of the accident
it was in perfect order.

James Reynolds, chief engineer of the Crane
Company, said that he came on from Chicago to
superintend the putting in of the machinery
and remained until the elevators began to carry
passengers. The witness said he had examined
the machinery a few days before the accident
and had found everything attisfactory.

An adjournment was taken until to-day as
10:30 o'clock.

MADE TO CHANGE PLACES.

Them Objects. Postmaster Van Cott has promoted Eugene A Drew from a clerkship in the Registry Department of the General Post Office to the post of first assistant superintendent of the Money Order Department. He relieves First Assistant Superintendent Harris Filson, who is assigned to the place in the Registry Department made vacant by Mr. Drew's advancement. This change does not please Mr. Filson, and he has

change does not please Mr. Filson, and he has questioned the Postmaster's right to make it. It was rumored in the Federal building yesterday that he did not intend to lose the assistant superintendency without a struggle, and color was given to this, it was thought, by the fact that he did not report for duty in the Registry Department.

There is a material difference of salary involved in the transfer of Drow and Filson, the superintendency being worth \$2,400 a year and the clerkship only \$1,300.

"I made the change for the good of the service," said Postmuster Van Cott yesterday afternoon, "and I had a perfect right to do so, I haven't the slightest idea whether Mr. Filson intends to contest my action or not. I am pretty certain of one thing, however, and that is that he, as well as every other men in the service, will have to attend to his duties."

Filson claims, it is said, that under an order issued by President McKinley he, as a civil service employee, cannot be legally reduced in rank and pay without the privilege of an investigation. It is pointed out by Post Office authorities that this contention was not sustained in a similar case recently decided by a Southern

a similar case recently decided by a Southern

Mary Morrison, a colored servant in the emolov of Mrs. Elizabeth A. Jacobson of 259 West Fifty-fourth street, was found in her room unconscious from gas asplyxiation yesterday morning. The gas in a small stove was turned on. The girl was removed to Roosevelt Hospital, where she died last night. Mrs. Jacobson says she is sure that death was the result of an accident. The girl had only recently come here from Virginia and was not familiar with the use of gas.

"MADE A MAN

This is to certify (and I make this statement voluntarily and gladly) that one year ago I was a physical and mental wreck. and had lost all hope of ever getting cured. Hearing of the celebrated specialist, Dr. H. H. Kane, of 188 West 34th st., New York, I applied to him, and he has perfectly cured me and restored my power and man-

hood to a perfect condition. I had a varicoccie of eight years' standing, which gave me much pain and discomfort, as well as destroying my powers, and that he cured me without pain, out ting, or a day's confinement. I make this elatement for the good of humanity, and in order that others who have been quacked and humbugged may know where a safe and certain cure is to be found, and at but small expense.

1923 Washington et.

1

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Dr. H. H. Kane's remarkable Clinical Lectures on the Positive and Lasting Cur- of VARICOCELE, STRIC-TURE, HYDROCELE, INFLAMED BLADDER and EN-LARGED PROSTATE GLAND, and LOST POWERS,

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